

### REMARKS/ARGUMENTS

The claims are 1, 6-22 and 26-27. Claim 1 has been amended to better define the invention and claims 2-5 and 23-25 have been canceled. Accordingly, claims 6-8 which previously depended on claims 5, 3, and 4, respectively, have been amended to depend on claim 1. These claims and the remaining claims have also been amended to improve their form or to remove reference numerals. In addition, the specification has been amended to correct a clerical error, to improve its form, and to change "indifferent" to -- neutral -- for clarification purposes. Support for the claims may be found in the original disclosure, *inter alia*, at pages 3-5, the original claims 1-5 and the drawings. Reconsideration is expressly requested.

Claims 21-25 were rejected under 35 U.S.C. 112, second paragraph, as being indefinite for the reasons set forth on pages 2-3 of the Office Action. In response, Applicant has, *inter alia*, canceled claims 23-25 and amended claims 21-22 to improve their form. With respect to the Examiner's rejection regarding claim 21, Applicant has amended claim 21 to change "indifferent"

zone to -- neutral -- zone for clarification purposes. It is respectfully submitted that the foregoing amendments overcomes the Examiner's rejections under 35 U.S.C. 112, second paragraph, and Applicant respectfully requests that the rejection on that basis be withdrawn.

The Examiner indicated that claims 4, 5, 6, 8-12, 16-20, 26 and 27 contain allowable subject matter; however, the remaining claims were rejected on the basis of the prior art. Specifically, claims 1-3 and 7 were rejected under 35 U.S.C. 102(b) as being anticipated by *Durnian UK Patent Application 2,280,118*. Claims 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over *Durnian*.

In response, Applicant has amended claim 1 to better define the invention and respectfully traverses the Examiner's rejection for the following reasons.

As set forth in claim 1 as amended, Applicant's invention

provides a training device for golf swings including first and second guide rings arranged in a mounting device at least partly spaced from one another and extending in a plane inclined in relation to the horizontal. The first and second guide rings have an approximately ellipsoidal and self-contained shape, whereby a golf club is placeable on the first and second guide rings and guidable along an ideal line for a golf swing. Each guide ring has a respective guiding surface that guides to one side of the plane, the guide rings being freely accessible from the one side.

Claim 1 as amended basically corresponds to original claim 1 except that the term "vertical" has been replaced by the term -- horizontal --, which it is respectfully submitted creates no new situation, as a plane inclined in relation to the vertical is also arranged in a plane inclined in relation to the horizontal. The intention of this modification is to simplify the terminology within the claims.

As can be seen from the original drawings, the guide rings

are constructed to be approximately ellipsoidal and self-contained in shape, with each guide ring having a guiding surface that, as shown in FIG. 4, guides to one side of the plane. As recited in original claim 4, in connection with FIG. 4, these guide rings are freely accessible from this side.

*Durnian* fails to disclose or suggest a training device for golf swings as recited in claim 1 as amended in which guide rings are arranged in a plane and the guiding surfaces of the guide rings guide to one side of the plane and are freely accessible from this side. In *Durnian's* arrangement, the guide rings are arranged in planes extending inclined in relation to the vertical with the planes of the individual guide rings displaced from each other. The guiding surfaces of the guide rings of *Durnian* are essentially arranged between the guide rings and therefore are not freely accessible from one side. A golf club has to be threaded through a gap between the two guide rings in order to come in contact with at least one of the guiding surfaces in the *Durnian* construction. Consequently, it is respectfully submitted that *Durnian's* arrangement differs

considerably from Applicant's training device as recited in claim 1 as amended.

Such training devices like the ones known from *Durnian* have the drawback that the golf club has a restricted guidance in a small gap between the ring couples. In other words, the golf club is constrained to move between the rings. Therefore, it is not possible with the *Durnian* device for the training golfer to leave the once predetermined guideway which ultimately results in the training golfer being able to carry out just one positively driven golf swing. Although basic failures of a golf player are avoided by this predetermined restricted guidance, there is no learning effect. The restricted guidance prevents the golf trainee from adequately practicing the necessary swing properties to achieve a correct guidance of the golf club. The effect of a golf club on a golf swing does not depend exclusively on the inclination of a golf club, but rather also on the run of the ideal line of the conducted golf swing. *Durnian's* training device does not enable such a training phase as the introduced golf club between the rings means that the golf swing is always

carried out between both guide rings and therefore the training golfer is unable to achieve a learning effect that continues absent use of the device.

Applicant's device as recited in claim 1 as amended is directed to the problem of providing a training device which does not deny the training golfer the freedom of movement, offers him or her the ideal line for exercising the golf swing at the same time, and gives the training golfer the possibility of better control of the angle of the golf club so that in particular the downward swing can be optimized.

Such optimization is not possible with *Durnian's* arrangement due to the restricted guidance and can be reached only with Applicant's training device as recited in claim 1 as amended whereby the golf player is enabled to depart from the guide way during the learning process. Thus, he/she can get used to performing the golf swing in an always recurring rhythm and in a swinging plane because initially he/she may first keep in contact with the guide rings and in the course of the training process he

or she can improve to a golf swing that meets the ideal swing and that can be corrected at any time with the help of the training device should he or she depart from that ideal swing. In principle, with Applicant's training device as recited in claim 1 as amended, after a longer training period, the training golfer can perform the golf swing following the ideal line of the golf swing and just preserve a little contact with the guiding surface so that he/she can perform a golf swing free of any guide rings after termination of the training process. This possibility is present only if the training golfer is enabled to perform a golf swing parallel to the guiding surface.

Such a training method can be obtained by a training device as recited in claim 1 as amended which is constructed in such a way that each guide ring has a guiding surface that guides to one side of the plane, with the guide rings freely accessible from that side, so that the training golfer can apply his/her golf club to both guide rings and perform a golf swing along these guide rings. This training will initially lead to a golf player moving the golf club along the guide rings at the provided angle

but with increasing training, he/she will be able to minimize the contact with the guide rings step-by-step and perform an ideal golf swing without such contact. Should he/she at times diverge from the ideal line during training, contact with the guide rings will immediately alert the golfer that he/she is no longer following the ideal line. In this way, the golfer can gradually approach the optimal golf swing by repetition so that he/she is finally able to perform an ideal golf swing without the guide rings.

In contrast, with *Durnian's* device, not only is this arrangement not possible, there is no disclosure or suggestion as to how to modify *Durnian's* device in order to increase the freedom of the golf player in relation to the training swing.

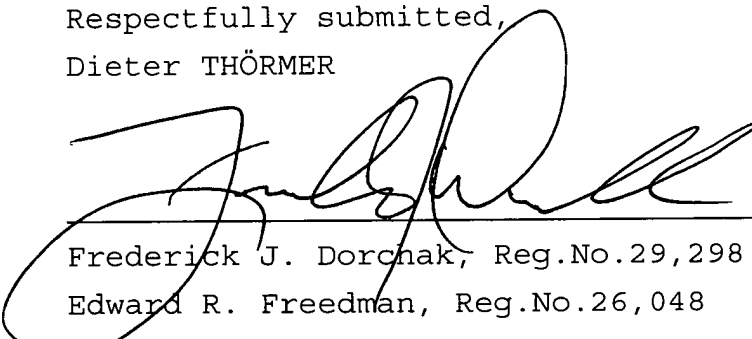
Accordingly, it is respectfully submitted that claim 1 as amended, and claims 7, 13-15, and 21 which depend directly or indirectly thereon, are patentable over *Durnian*, together with claims 6, 8-12, 16-20, 22, 26 and 27, which the Examiner indicated contain allowable subject matter.



In summary, claims 1, 6-22 and 26-27 have been amended and claims 2-5 and 23-25 have been canceled. In addition, the specification has been amended. In view of the foregoing, it is respectfully requested that the claims be allowed and that this application be passed to issue.

Respectfully submitted,  
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